

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ANTONIO STAPLETON #297778,

Case No. 2:16-cv-00138-GJQ-MV

Plaintiff,

v

Hon. Gordon J. Quist
Magistrate Judge Maarten Vermaat

DANNY PELKOLA, et al.,

Defendant.

MOTION FOR WRITS OF HABEAS CORPUS AD TESTIFICANDUM

NOW COMES Plaintiff, Antonio Stapleton, by his attorney, Judy E. Bregman, and moves the Court for Writs of Habeas Corpus Ad Testificandum authorizing the production of two currently incarcerated witnesses at the trial in this matter set for June 17, 2019 beginning at 9:00 a.m. In support of his Motion, Plaintiff states:

1. Plaintiff is currently incarcerated at the Alger Correctional Facility, N6141 Industrial Park Dr., Munising, Michigan 49862. Trial in this matter is currently scheduled to commence on June 17, 2019 at 9:00 a.m.

2. Plaintiff's witnesses for which writs are needed are as follows:

a. Edward Johnigan, #186214, is currently incarcerated at the Michigan Reformatory, 1342 W. Main, Ionia, Michigan 48846. Mr. Johnigan was incarcerated at the Marquette Branch Prison in June 2013, when Plaintiff was also an inmate there. Mr. Johnigan will testify that he is the "J.B." to whom Defendants referred when shaking Plaintiff down for information about a contraband cell phone. Because of his refusal to provide information about "J.B.", Defendants retaliated against

Plaintiff by writing a false Class I misconduct ticket for possession of a peanut butter jar containing marijuana.

b. David Silva, Jr., #235123, is currently incarcerated at Marquette Branch Prison, 1960 U.S. Highway 41 South, Marquette, Michigan 49855. Mr. Silva was incarcerated at Marquette Branch Prison in June 2013, when Plaintiff was also an inmate there. Mr. Silva will testify that the jar of peanut butter containing marijuana which Plaintiff was accused of possessing, was actually his.

3. Mr. Johnigan's and Mr. Silva's testimony is integral to support Plaintiff's allegation that Defendants retaliated against him for not providing information about "J.B." by writing a false Class I misconduct ticket for possession of marijuana, and placing him in administrative segregation.

WHEREFORE, Plaintiff requests the Court enter an Order issuing Writs of Habeas Corpus Ad Testificandum directed to the Michigan Department of Corrections, to produce Inmates Johnigan and Silva before the Honorable Gordon J. Quist at the United States District Court in Marquette, Michigan on or before June 17, 2019 at 9:00 a.m., or at any time thereafter as the Court may direct; and after having appeared, to return Inmates Johnigan and Silva to their respective correctional facilities as may be directed by this Court.

Respectfully submitted:

Dated: April 3, 2019

s/ Judy E. Bregman
Judy E. Bregman (P32252)
Attorney for Plaintiff